

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE - 31ST JANUARY 2007

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To outline the implications of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (LEARS) and consider minor changes to charges relating to Registration Services.

2. BACKGROUND

- 2.1 The Community Services Committee of the 7th February 2001 agreed a response to the General Register Office consultation paper on Civil Registration In The 21st Century. This paper proposed 22 changes to Registration services as the basis for the new Act. The majority of the responses the Committee agreed were included in the Act. A summary of main provisions is contained within Appendix 1.
- 2.2 The Community Services Committee of 29th March 2005 agreed on all the points outlined in the subsequent draft Act.
- 2.3 The LEARS Act also includes matters on electoral administration (hence the title change) however these are not considered in this committee report. The Act came into effect on 1st January 2007.

3. CONSIDERATIONS

- 3.1 It is not possible to predict what effect the changes to registration boundaries and the ability to register a birth or death anywhere in Scotland will have on the Registration service. Registration trends will be closely monitored in the future to ensure that the service continues to meet the public's requirements.
- 3.2 The Act includes a new measure, not previously considered, which is a free abbreviated death certificate which shows proof of death but not cause of death. This certificate can be used to advise banks lawyers etc. while keeping the cause of death private. The full certificate costs £8.50, however, if everyone opts for the abbreviated certificate East Ayrshire Council's Registration Service could potentially lose up to £10,000 per year in income. Very early indications show that many customers still want the full certificate.
- 3.3 Officers have considered the range of services available and charges and have discussed with other Council Registration services their range of charges, especially for new services such as searches using the Digital Imaging of the Genealogical Records of Scotland's People (DIGROS). The following proposals are similar to services offered in other Councils:

- Introduce a search fee of £5 for couples who do not produce the necessary documentation to progress with their marriage/civil partnership ceremony e.g. birth certificates, divorce papers or previous spouse's death certificate.
- There is a charge of £10 per hour for a facilitated face to face search. Where the request is for a single, clearly specified, piece of information (e.g. "what is given as the cause of death on my grandfather's death certificate") the charge would be £5 (the request could be submitted by post e-mail or phone). This charge is set by the General Register Office of Scotland.
- There is an increasing demand for paper copies of certificates; increase the price of a copy from 50p to £1 which is still very cheap compared to a full extract at £8.50.

3.4 A change not related to the Act is the transfer of the Maternity Unit in Irvine to Crosshouse Hospital which on average has 3600 births per year. This came into effect in August 2006 meaning that the unit's nearest Registration Service is located in East Ayrshire. There is a statutory fee of £8.50 for a full birth registration certificate but it is not possible to predict a resultant increase in service requests as a birth can now be registered anywhere in Scotland.

4. FINANCIAL IMPLICATIONS

4.1 It is not possible at this stage to quantify the effects of the new legislation on income levels.

5. LEGAL AUTHORITY / IMPLICATIONS

5.1 The LEARS Act came into operation on 1st January 2007.

6. POLICY / COMMUNITY PLAN IMPLICATIONS

6.1 Nil

7. CONCLUSIONS

7.1 The Act should lead to improved and more accessible Registration services. The main provisions of the Act are outlined in Appendix 1. The Registration service, recognised as being high performing, will fully embrace the changes and continue to progress.

8. RECOMMENDATIONS

8.1 The Committee is recommended to:-

- (i) agree to the proposed charges outlined in section 3.3; and
- (ii) otherwise note the content of the report

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Executive Director of Neighbourhood Services

WS/JG/DMcV

15th January 2007

LIST OF BACKGROUND PAPERS

Nil

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LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

Summary of the Registration Services provisions

- Section 37 amends statute to make all registration-district boundaries the same as those of local authorities.
- Section 38 amends statute to allow for different premises forming part of the one registration office to have different opening hours.
- Section 39 allows the birth of a child occurring anywhere in Scotland to be registered at any registration office in Scotland and paves the way for on-line registration.
- Section 40 allows a still-birth occurring anywhere in Scotland to be registered at any registration office in Scotland and paves the way for on-line registration.
- Section 41 allows a person who held parental responsibilities and rights for a child immediately prior to the death of a child to apply to re-register that child's birth to include either the father's details or the marriage of the parents. In the latter case, where paternity had already been acknowledged, the power would be devolved also to local registrars. It also enables the parents of a still-born child to apply to re-register the child's still-birth entry to include either the father's details or the parents' subsequent marriage. Applications would be made either to the local registrar or to GROS.
- Section 42 allows a death occurring anywhere in Scotland to be registered at any registration office in Scotland and paves the way for on-line registration.
- Section 43 enables local registrars to have access through a secure computer network to records held centrally by the Registrar General. It also provides for a speedier and more efficient examination of the statutory registers, rather than the current annual examination.
- Section 44 updates existing provisions for the indexing of information; allows informants (for a fee) to be able to ask for wider notification of births, deaths or marriages to nominated bodies outside the government sector; enables third parties (for a fee) to ask GROS to notify them of the death of a person if and when it occurs in Scotland (modernising the existing arrangements for obtaining information already publicly available) and allows for the issue of an abbreviated certificate of death, excluding cause-of-death information (free of charge at the time of registration).
- Section 45 allows errors of transcription or other prescribed errors to be corrected by registrars (without the need for the informant to be present) up until the examination process has been completed.
- Section 46 amends existing legislation for recording a forename or a change of forename of a child under the age of 12 months so that only a person holding

parental responsibilities and rights in relation to the child would be qualified to apply to do so. It also allows GROS to supply a change-of-name service at an earlier stage, with widespread notifications.

- Section 47 inserts in legislation a new offence of giving false information to the Registrar General or any person acting on his behalf. There is an existing offence of giving false information to a district registrar.
- Section 48 makes provision for the solemnisation of marriage in Scottish waters to be more convenient, and for the location to be more easily identified.
- Section 49 deals with maintaining and displaying a local list of intended marriages, and enables the Registrar General to maintain an all Scotland list.
- Section 50 makes provision for marriage notices and legal objections to marriage to be submitted electronically, and for associated written communications in relation to marriage and the appointment of celebrants to be in electronic form.
- Section 51 amends section 93 of the Civil Partnership Act 2004, which specifies where a civil partnership may be registered, to provide for which registrar is to register a civil partnership registered in Scottish waters, and in which register that registration is to be recorded, paralleling the provision made for marriage by section 48.
- Section 52 makes a minor amendment to the Civil Partnership Act 2004 to bring arrangements for publicising intended civil partnerships into line with arrangements for publicising marriage. Provision is made to mirror for civil partnership registration existing marriage law which prevents challenge to the validity of a marriage on a minor technical flaw in the preliminaries to a marriage. The section also provides for other administrative arrangements, such as the examination and correction of the civil partnership register and the issuing of extracts from the register.
- Section 53 makes provision for the issue of extracts from the civil partnership register for certain specified purposes, in the same way as the other statutory registers.
- Sections 54 and 55 make provision for the creation of a new public record known as the Book of Scottish Connections. Citizens, whose parent or grandparent was born in Scotland or are the subject of an entry in the Book, will be able to apply to the Registrar General to have recorded in the Book births, deaths, marriages, civil partnerships etc which occur, and are registered, outwith Scotland.
- Section 56 makes provision for the General Register Office for Scotland to share information already publicly available with any public body or office holder.
- Section 57 makes provision for the establishment of a new central register which is to be created and maintained to facilitate the carrying out of Health Board and local authority functions. Information may be shared from this register. This process will be regulated by regulations and agreements. One of the anticipated data sharing uses for certain information from the register will be with local authorities to facilitate the creation on new citizen's accounts.

- Section 58 provides for local registrars to have access to minor records held centrally by the Registrar General, and for copies or extracts to be made available to the public.